

**TOWN OF SUTTON**  
**Planning Board**  
Pillsbury Memorial Hall  
Meeting Minutes  
December 16, 2014

Present: Planning Board Members: Carrie Thomas, Chairperson; Julie McCarthy, Carole O'Connell, and Roger Wells, members; Dan Sundquist, Ex-Officio; (Bob DeFelice and Peter Blakeman, members, were absent); Laurie Hayward, Land Use Coordinator (LUC) and Joann Mason from PSNH.

**The meeting was called to order** at 7:05 PM, by Carrie Thomas, Chairperson.

**Public Hearing:** The Chair opened the Public Hearing, PB 2014-09. The LUC read the notice:

“You are hereby notified of a Public Hearing to be held on Tuesday, December 16, 2014 at or around 7:00 p.m. at the Pillsbury Memorial Town Hall, 93 Main Street, Sutton Mills, NH, concerning a request by Public Service Company of New Hampshire (PSNH) pursuant to RSA 231:158, Scenic Roads, to trim and remove trees and brush along and near North Road which is a Sutton designated scenic road.”

The LUC also read the request letter from PSNH which explains in more detail exactly what their request involves:

“Dear Planning Board Members;  
PSNH needs to trim and remove trees and brush for approximately 925 feet beyond the end of the existing line on North Road (a designated scenic road) which feeds south from the high school in order to extend this line to serve a new customer who has applied for service. This letter is to request a public hearing, in accordance with RSA 231:158, for that purpose. Please advise this office of the date, time, and place for this hearing so that we may have a representative present.

The proposed new pole locations have been marked with wooden stakes and approximately 14 trees PSNH plans to take down entirely as part of this project have been marked with orange flagging. PSNH also plans to trim additional trees and remove brush to clear brush and limbs less than four inches in diameter which are located within eight feet to the side of, ten feet below or fifteen feet above the new conductors. All work will be performed in accordance with accepted arboricultural standards.

PSNH has contracted with Asplundh Tree Expert Company to perform the actual trimming and removal of trees. PSNH requires that our trimming contractors contact each landowner where trees are to be trimmed prior to commencement of work on that property. Individual concerns will be addressed at this time.

If you have any questions or comments, please feel free to contact me by U.S. mail at the above address, e-mail at [David.Cranedr@nu.com](mailto:David.Cranedr@nu.com), FAX at 634-3523, or telephone at 1-800-562-3190 extension 634-3867. Respectfully, David R. Crane Regional Arborist, Public Service Company of New Hampshire“

The Chair addressed Joann Mason, who is a representative for PSNH, asking if she had anything to add to the information in the letter. Mason asked the date of the letter. The Chair stated that it was November 4, 2014. Mason spoke stating that since the November 4th letter, PSNH representatives met with the Road Agent and he requested they

*Approved 1/13/2014*

do a bit more cutting. Currently instead of 14 trees there are seventeen that will be cut. Mason said that change in the number of trees to be removed is the only change from what was noted in the letter. Mason explained that this will connect a homeowner who has been "off-the-grid". The homeowner will now be able to connect to the grid. He has solar and will arrange for PSNH to take excess energy. This will allow the homeowner to be able to sell his energy credits. Mason explained that the homeowner himself has contracted privately to have line strung across his property to make the connection to the PSNH poles at the road. She told the Board Members that the cost that the homeowner is taking on in this is substantial and that the homeowner is eager to get the poles set. The Chair called for any questions from the Board. Sundquist addressed Mason and explained that when they work with PSNH, usually with David Crane, the Board asks that when PSNH works with Asplundh, they always ask that Asplundh take the stumps down flush with the ground, especially important when they are working in areas where snowplows could be affected. Sundquist also asked that they be sure, if they are going to blow the wood chips, they blow them over walls and well away from the road. Mason explained that they would haul the chips away unless the homeowners requested that they blow them onto the property. There was a brief discussion about the recent work already done by PSNH and the positive affect that it has had in reducing the number of power outages from downed trees. The Chair told Mason that PSNH is to be praised for the improvement that has resulted from their tree trimming efforts. Sundquist asked that PSNH be mindful of contacting owners regarding the trimmings and downed wood.

Mason asked how long it takes to get an approval if the Board should agree to the request. The LUC explained that the Board would likely decide this evening; however, state statute provides for a thirty day appeals period. And, although it would be surprising if there were an appeal when there has been no contact from abutters to North Road and there are no interested parties in attendance, still the approval is not final until the appeals period expires in thirty days. Mason explained that they are anxious to begin and that they expect to have Asplundh do significant cutting before they begin to set the new poles.

There being no interested parties in attendance Wells moved to close the public hearing; Sundquist seconded and it was voted unanimously. The Chair called for additional discussion. There was none. **Wells moved that the request to trim trees on North Road be approved as submitted; McCarthy seconded the motion and it was approved unanimously.**

The Board thanked Mason and noted how it has been helpful to have David Crane involved in these tree trimming requests. Mason noted that she has found the current Road Agent, Steve Bagley, to be very good to work with when PSNH has asked for his involvement.

Mason also told the board that she noticed that one or two street lights were out in Sutton Mills and that someone should probably contact PSNH regarding correcting the problem.

**Administrative:** Wells asked that the Road Agent let the Board know if he does go out with an applicant. There was a brief discussion about the importance of having the Road Agent's input if he has knowledge specific to something the Board is working on and not having to rely on, for example, an applicant to tell the Board accurately what the Road Agent's thoughts are. Sundquist will discuss with the Road Agent. The LUC will create a form for the Road Agent to use.

**Minutes of previous meetings:** The Chair called for a motion on the Minutes of the November 25, 2014 meeting. **It was moved, seconded and voted unanimously to approve the minutes as written.**

**New Business: 2015 Budget** - There was a conversation about the 2015 Land Use Budget which was presented to the Budget Committee the previous evening. The Chair explained that there was \$3,000 for Legal Services. The LUC explained that as the Board had requested that the New Hampshire Central Regional Planning Commission (NHCRPC) be involved in the Master Plan. To support this, there is an additional \$3,000 added to "Professional Service" specifically for NHCRPC costs. There was also an increase in the budget line item for "Dues/Conferences/Publications". The LUC explained that was to permit the LUC and the Chairs of both Land Use Boards to subscribe to

*Approved 1/13/2014*

the bi-monthly NH Municipal Association publication which has updates on land use statutes and case law. The increase would also cover the cost for members to attend the OEP Annual conference if they wished and, should the Boards find an alternate or two, it would cover the costs for them to take one or two of the Municipal Law Lecture Series classes.

**Old Business: Master Plan** -On the subject of the Master Plan, the LUC explained that she had contacted Michael Tardiff the NHCRPC Executive Director and they discussed costs to have them involved. Tardiff told the LUC that the cost for NHCRPC to fully take on the Master Plan would be approximately \$12,000. The LUC told Tardiff that she did not think that amount would go over very well. After some discussion about what things the LUC could take on and what things the NHCRPC could do, Tardiff came back with a quote which included some savings based on grants. The quote called for the process to begin in 2015 and be completed in 2016 and cost \$3,000 in 2015 and \$3,500 in 2016 – a vast improvement. O’Connell asked for more information on how the process would work and how the LUC and NHCRPC would each be involved. The LUC explained that she and Tardiff discussed having NHCRPC involved in the initial “kick-off” especially the first general meeting. The LUC would then work with the committees assisting with getting information, updating statistics, whatever was needed. When the LUC could not find information, she would go to NHCRPC for assistance. O’Connell asked if NHCRPC would be involved in the same way they were for the Hazard Mitigation Plan update. The LUC explained their involvement would be significantly less. In terms of having a NHCRPC representative at each committee meeting, that would not be the case. Someone would be there for the kick-off and likely the final and perhaps once or twice during the process. O’Connell asked if there would be a template as was used in the Hazard Mitigation Plan update. The LUC stated that she already had a template developed based on the last Master Plan done in 2005 and she had also done some work this past summer, updating statistics and data, including some of the census data.

**Correspondence:** There was none.

Sundquist asked if anyone had received anything regarding the Feins Subdivision. The LUC said there was no correspondence that she knows about. Sundquist also asked the LUC whether she had a response from town counsel regarding the question of the appeals period when there is a subsequent review date for the Notice of Decision. The LUC stated that she had not yet received a response. The LUC explained that the statute states that the appeals period runs for 30 days from the date of decision [actually it starts with the day after the decision]. She emailed town counsel to ask whether the decision to approve the Notice of Decision on November 25 changes the start date of the appeals period.

There was a brief discussion about the decision: “Denied Without Prejudice” and what that means for an applicant. The LUC said that for an applicant they can come back either with the same application because some condition or conditions have changed; or, alternatively, they could come back with a significantly changed application --- the key being that something must be significantly different for them to reapply. A simple denial makes it more difficult for them to reapply in the near future. Rogers suggested that for the Feins case, he might want to wait for the market to improve and not pursue an appeal. The LUC added that the unknown in the Feins case involves the fact that New London was involved because of the single road access and to the best of her understanding the New London Planning Board never took this up but any Sutton decision would need to be conditioned upon New London approval. The Chair asked for confirmation that New London never voted. The LUC explained that is true to the best of her knowledge and that this Sutton Board “denied without prejudice” before the New London Board was scheduled to take up the Feins subdivision so they did not pursue it.

Wells suggested that members, when they have an opportunity, go to a New London Planning Board meeting.

The Chair asked if there were additional items to discuss. The LUC said perhaps they could discuss the Master Plan and timing. Wells asked when the “kick-off” was proposed to be. There was a discussion about timing. The Chair asked if the Board could make use of the Town Meeting. Sundquist suggested that they do something at the Town Meeting in March to inform people and generate interest. Thomas and O’Connell both discussed having a

*Approved 1/13/2014*

table and posters and materials. There was general agreement that was a good idea and that the formal kick-off could be in May. Sundquist pointed out that there is work that can be done in the winter in preparation. Specifically, all of the maps in the Master Plan need to be updated and that is a project that he and the LUC can work on using GIS mapping to create updated maps. Binders containing materials for the committees can also be put together in preparation.

Wells also suggested that they see if the InterTown Record would like to publish a series of articles. The LUC explained that was something that she, at Annette Vogel's suggestion was going to work with Kirsten Kraushaar on last summer and there were a couple of articles; but it was not fully pursued. Sundquist suggested inviting Kraushaar in to speak with the Board for the January 13, 2015 meeting. Wells explained that in previous work on Master Plans for other Planning Boards, he placed five or six full-page ads in the local paper designed to generate interest. Wells offered to bring samples that show how the "Master Plan Story" can be shown in the local media. The Board agreed this is a good idea and asked Wells to bring what he has to the January 13 meeting. Wells asked for a sample of Kraushaar's writing. Thomas pointed out that Kraushaar is one of the lead reporters for the InterTown Record. The LUC explained that she likes the way that Kraushaar writes and that there was an InterTown article that appeared regarding Kraushaar's property's designation as a butterfly stop-over/sanctuary which she might still have and which is an example.

**Next regular meeting is scheduled to include a Public Hearing, PB 2014-08 Jeffrey Evans as agent for John Michael Rogers, and will be held on January 13, 2015 at 7:00 PM.**

There was a brief discussion about the Rogers application and that this is a second time around. There was an earlier three-lot subdivision that was denied without prejudice as "scattered and premature". Rogers has reapplied because the work on the road is now complete (it was part paid by his exaction money) and so conditions have changed.

**Select Board Report:** Sundquist took up the question of the status of the request from abutters that Fox Chase road be maintained by the town. Sundquist explained that the Select Board had enlisted town attorney to give them guidance on how best to proceed. He said there are two parts to this, the first phase is Conditional Layout of the Road and there will be a public hearing in which the layout is proposed and the abutters explain the reasons to do it and there will be included something about "betterment assessments". Sundquist said that the current "back of the envelope" estimate of costs is about \$35,000 to bring the road up to a minimum standard. The betterment assessment route places a town lien on the abutting properties that have frontage on Fox Chase Road. He explained that they may have a schedule for each property owner to pay over time as part of the property tax billing in a proportion equal to the portion that his frontage represents of the road to be town maintained; but, the Select Board will likely recommend that those affected simply pay their share in full.

There was a brief discussion of the method of calculating each assessment amount. Sundquist pointed out that the method based on frontage was the typical way. Sundquist said that the property owners are working together to make a proposal. The Chair asked why this wasn't going to town meeting. Sundquist explained that this is an alternative in which the paying of a betterment assessment to be used to bring the road up to town standards is the key. Sundquist also pointed out that this is done with at least two meetings during the process. The Chair asked why the Select Board is even considering this route. Sundquist stated that one issue is public safety. Sundquist explained that it is not the annual cost for the town to maintain a roughly 2200 foot road; it is bringing the road up to town road standards that is expensive- hence the "betterment assessment". Sundquist pointed out that this is a first in the approach they are discussing and they are being careful about setting precedence.

**Land Use Coordinator Report:** Nothing additional to report at this time about conditions except to note that the Mapes septic system is now off the Open Conditions Report.

*Approved 1/13/2014*

**Other Business:** Wells explained that he has rewritten New London's driveway ordinance for use in Sutton and asks that Board Members take a look. He asks that the Board consider approving this Ordinance separate from any other work being done on regulations. There ensued a discussion about rewriting regulations. The LUC asked if they could take up at the same time the revision of the Rules of Procedure. Wells asked that they just concentrate on this and only work incrementally on one problem at a time. Sundquist said of the Rules of Regulation, if it is not broken, it should not be overhauled. The LUC explained that, from her point of view neither The Rules of Procedure, which have not been updated since the 1980's, nor the Regulations, that have not been updated fully since 1991, are helpful. Sundquist stated that he agreed with Wells about just dealing with the most needed at the moment. Sundquist also requested that they take up his already completed article on soils. Wells also mentioned the need for something in the Regulations that makes it clear that once a minor subdivision has been approved, the lots approved cannot immediately be brought before the Planning board in another request for another "minor subdivision". There ensued a brief discussion about how that defeats the spirit behind the concept of a minor subdivision. It was agreed that an approach to prevent this is to place a time requirement before a minor subdivision lot can be re-divided as a separate "minor subdivision". After further discussion, it was agreed that five years was neither "punitive" nor too short a time frame to require. The LUC asked Wells to send her the electronic version of the article he wants placed in the Regulations. It was agreed that this would be placed on the agenda for the next meeting, January 13, 2015.

The Chair told members that she had received a letter from Tom Schamberg who was, until this past election, the State Representative for Sutton and Wilmot. Members expressed how sad they were to learn that he had not been re-elected and how impressed they were at the effort Schamberg made to be involved and aware of constituent concerns. Everyone was aware that Schamberg sat through many meetings, not just of the Planning Board but of the many other Sutton Boards. The Chair read:

"Dear Sutton Planning Commission,

As your NH State Representative, one of my responsibilities was to present myself directly to the sources of our democratic representation that serve the needs of the residents of Sutton. In your role as members of the Planning Commission, I saw and heard democracy at work in the role you all played in the vital process of representing the residents of Sutton.

Thank you for your warm welcome at your meetings and sharing Sutton's community concerns through your public Planning meetings. Your work to come to the assistance of the residents and the overall community was and is to be applauded and appreciated.

The town of Sutton is very fortunate to have residents that are committed to serving the common interest of Sutton.

As my term expires at midnight of December 2nd, I thank you for the special privilege of having been your State Representative.

Yours in service to the Public,  
State Representative Tom Schamberg,  
District 4- Merrimack County- Towns of Sutton/Wilmot"

**There being no further business, it was unanimously voted that the meeting be adjourned at 8:14 PM.**

Respectfully submitted,

Laurie Hayward  
Land Use Coordinator